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District Court

JAN - 4 2007

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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Attorney Appearing in Pro Se

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

ROBERT D. BRADSHAW,

Plaintiff,

v.

COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS, et al.,

Defendants.

Case No. CV 05-0027

**AMENDED ANSWER TO THIRD
AMENDED COMPLAINT;
DEMAND FOR JURY**

Defendant, JAY H. SORENSEN, appearing for himself, responds to and answers the third amended complaint as follows:

1. The allegations of the following paragraphs are admitted: 1, 7, 15, 16, 18, 19, 20, 89, 91-94, 129, 144.

2. The allegations of the following paragraphs are denied: 21-39, 47-53, 63, 65, 74-76, 113, 114, 116, 130, 142, 143, 212-228, 326, 329-333, 335-336, 357, 359, 361, 362, 376, 377, 380-382.

3. This defendant has insufficient information as to the allegations of certain paragraphs, and bascd on the lack of sufficient information, denies them. Those paragraphs are: 3, 8-14, 17, 44, 56-58, 60, 61, 64, 66-73, 77-88, 99, 100, 115, 128, 131-137, 152-174, 175-196, 197-210, 233-260, 265-271, 276-279, and 340-344.

1 4. Certain of the paragraphs do not aver facts, but are legal contentions, rhetorical
2 statements, musings, speculative conclusions or prayers for relief. To the extent that they
3 may be considered allegations of fact, they are denied. Those paragraphs are: 2, 4, 5, 6,
4 40-46, 54, 55, 59, 62, 95-98, 101-112, 117-127, 139-141, 145-151, 229-231, 261-263,
5 272-274, 280-282, 320-325, 327, 334, 337, 338, 345, 346, 358, 360, 378.

6 5. In response to paragraph 90, defendant admits those allegations, except that the
7 justification for entry of default was the Superior Court's determination that Bradshaw
8 had been properly served by certified mail, had appeared in the case, and had waived any
9 challenge to insufficient service of process, as articulated in the Order Denying Motion to
10 Remove Case From Trial Docket filed February 22, 2000, and that Bradshaw had failed to
11 file an answer.

12 6. Certain paragraphs merely incorporate preceding paragraphs by reference.
13 Response to the incorporated paragraphs are as noted above. Those incorporating
14 paragraphs are: 211, 232, 264, 275, 318, 328, 339, 356, 375, 379.

15 7. The Court, by an order entered December 1, 2006, struck the following
16 paragraphs: 126-127, 322 (in part), 334 and 359 (in part).

17 8. The Court, by an order entered December 14, 2006, struck paragraphs 2-4 of
18 the prayer for relief of the third amended complaint, and ordered all defendants to file an
19 answer within 20 days thereof.

20
21 AFFIRMATIVE DEFENSES

22 9. The third amended complaint fails to state a claim against this answering
23 defendant.

24 10. The claims brought are barred by the applicable statute of limitations and/or
25 the doctrine of laches.

26 11. Plaintiff has waived any rights he may have had that provide the basis for this
27 action and is thereby estopped from any relief.
28
29


1 12. To whatever extent anyone may have misrepresented the receipt by plaintiff of
2 service of process, such misrepresentation was not the cause of the default judgment
3 entered against him, and hence, did not result in any harm to plaintiff.

4 13. Plaintiff was negligent with regard to whatever actions or omissions that
5 plaintiff alleges gave rise to his present claims, which negligence caused some or all of the
6 injuries for which he now claims.

7 14. To whatever extent that this defendant is alleged to have made defamatory
8 statements about plaintiff, the statements made were true.


9 15. Defendant had an absolute and/or qualified privilege to publish the statements,
10 if any, that plaintiff claims were defamatory.

11
12 WHEREFORE, defendant prays that plaintiff take nothing by his complaint, that
13 defendant be awarded judgment against plaintiff, and that defendant recover costs of suit
14 herein incurred, as well as such other relief as the court may deem proper.
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Jay H. Sorensen
19 In Pro Se

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21 DEMAND FOR JURY

22 Pursuant to Rule 38, Federal Rules of Civil Procedure, this answering defendant
23 hereby requests that all issues brought against him be submitted for jury determination.
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25

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27 
Jay H. Sorensen
28 In Pro Se
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on JANUARY 4, 2007

a copy of each of the following: AMENDED ANSWER TO THIRD AMENDED
COMPLAINT; DEMAND FOR JURY

were deposited for delivery to the U.S. Post Office, first class mail, postage prepaid,
addressed as set forth below (except as noted below):

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Jay H. Sorensen

* Served electronically by agreement of the parties